

105TH CONGRESS
1ST SESSION

H. R. 2993

To provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in National Park System and National Wildlife Refuge System units, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 9, 1997

Mr. HEFLEY introduced the following bill; which was referred to the
Committee on Resources

A BILL

To provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in National Park System and National Wildlife Refuge System units, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FEE AUTHORITY AND REPEAL OF EXEMPTION.**

4 (a) **AUTHORITY.**—Under rules promulgated by the
5 Secretary of the Interior (hereinafter in this Act referred
6 to as the “Secretary”), the Secretary shall collect a fee
7 from each person making any motion picture, television
8 production, or soundtrack for commercial purposes on any

1 area administered by the U.S. Fish and Wildlife Service
2 or the National Park Service, except as provided in sub-
3 section (b). The fee shall be established by the Secretary
4 on a case by case basis at the fair market value, as deter-
5 mined by the Secretary, of the use of such area for such
6 purpose, except that no fee shall be established at a level
7 less than the direct and indirect costs to the Government
8 for the use of the area, including any necessary costs of
9 clean-up and restoration.

10 (b) NEWS.—No fee shall be collected under sub-
11 section (a) for any bonafide newsreel or news television
12 production.

13 (c) EXISTING REGULATIONS.—The exemption from
14 fees set forth in the Secretary’s regulations contained in
15 paragraph (1) of section 5.1(b) of title 43 of the Code
16 of Federal Regulations shall cease to apply upon the effec-
17 tive date of regulations under subsection (a). Nothing in
18 this Act shall be construed to affect the provisions of the
19 regulations set forth in part 5 of title 43 of the United
20 States Code other than paragraph (1) thereof.

21 (d) PROCEEDS.—Proceeds from the fees collected
22 under this section shall be distributed in the same manner
23 as the recreation demonstration fees are distributed under
24 subsection (c) of section 315 of the Act of April 26, 1996
25 entitled “An Act making appropriations for fiscal year

1 1996 to make a further downpayment toward a balanced
2 budget, and for other purposes” (Public Law 104–134;
3 110 Stat. 1321–200; 16 U.S.C. 46016a). Paragraph (1)
4 of subsection (d) of such section 315 shall apply to the
5 fees imposed under this Act in the same manner as such
6 paragraph applies to amounts collected under section 315.

7 (e) PENALTY.—If the Secretary finds that any person
8 has violated the regulations under subsection (a), the Sec-
9 retary may, after notice and opportunity for a hearing on
10 the record, impose a civil penalty on such person in an
11 amount not in excess of 200 percent of the fee that would
12 have been collected if such person had complied with such
13 regulations.

14 (f) DEFINITION.—For purposes of this Act, the term
15 “commercial purposes” shall have such meaning as the
16 Secretary shall by rule prescribe, and shall include, but
17 not be limited to, advertising.

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